

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: May 9, 2002

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA02-0039 for Use Permit

PROPOSAL: The applicant requests approval of a Use Permit per Orange County Zoning Code Section 7-9-146.5 to allow a second residential unit to be constructed at the rear of his approximately 1 acre net lot within the E4-1 "Small Estates" zoning district in the Orange Park Acres unincorporated area.

LOCATION: 10621 Morada Drive (accessed off Hi Top Lane), Orange Park Acres area. Third Supervisorial District

APPLICANT: Leslie Fields, property owner

STAFF J. Alfred Swanek, Project Manager E-mail: Jim.Swanek@pdsd.ocgov.com

CONTACT: Phone: (714) 834-2626 FAX: (714) 834-4772

SYNOPSIS: The project as proposed is consistent with County Zoning Code Section 7-9-146.5 and the site development standards of the E4 Small Estates District. Current Planning Services Division recommends Zoning Administrator approval of PA02-0039 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is a little more than 1 acre net in area and developed with a 2,662 square foot, two-story single family dwelling and a detached garage. The site is roughly level, with a low area in the front of the lot, situated on a private street accessway ("Hi Top Lane"), and trapezoidal in shape. The site is zoned E4-1 "Small Estates District", which permits a second residential unit subject to review and approval of a use permit by the Zoning Administrator. Due to the shape of the lot, staff at the Development Processing Center determined that the side yard setback would be 17.5 feet.

The proposed second residential unit structure is 1,200 square feet in area and includes: two-bedrooms, two-bathrooms, a combined living room/dining room, and kitchen. The structure is located the required 17.5 feet from the side property line, and the required 25 feet from the rear property line. The total height of the second residential unit structure is 18' above the finished grade, plus a chimney an additional 2'. Both the existing dwelling and the proposed second unit are stucco-faced, and will be painted matching or complementary colors. Thus, the second's unit overall design, architecture and finish will be consistent with the existing structure.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

SURROUNDING LAND USE:

Direction	Land Use Designation	Existing Land Use
Project Site	E4-1 (1 Acre Lot Size) "Small Estates"	Single family dwelling
North	E4-1	Single family dwelling
South	E4-1	Single family dwelling
East	E4-1	Single family dwelling
West	E4-1	Single family dwelling

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to appropriate County Divisions, and the Orange Park Acres Homeowners Association and the Foothill Communities Association.

As of the writing of this staff report, no comments raising issues with the project have been received from the area community associations. Fire Authority comments have been incorporated in project conditions of approval, and the applicant has met with O.C.F.A. to see how their conditions can be satisfied.

DISCUSSION/ANALYSIS:

Current regulations addressing second residential units are reflected in the Zoning Code under Section 7-9-146.5. Under this section, request for a second residential unit may be permitted subject to the approval of a Use Permit. To be approved, a second residential must meet the following criteria: That it...

1. is located on a site zoned for a single family dwelling;
2. is accessory to a existing single family dwelling;
3. contains no more that 1,200 square feet of living area as a detached structure;
4. incorporates one additional on-site standard parking space (uncovered); and that,
5. it meets the same setbacks as required for the principal dwelling.

The requested second residential unit conforms to all the standards required under Zoning Code Section 7-9-146.5. The additional parking space will be located on a large driveway off a proposed separate access easement to the property in the rear. This is adequate since the space is not required to be covered. Additionally, the separate accessway appears to be needed, as the current driveway at the front appears to involve a legal, nonconforming situation. The Zoning Code requires the grade in the first 18' not to exceed -6%. It appears to average perhaps -10% in that area. Thus, the existing driveway could not be used for an additional dwelling unit, without an off-street parking modification use permit.

Finally, it is not known whether the existing septic system will prove adequate for the second residential unit. An appropriate condition (No. 12) has been included to address this.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0039 for a Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad Brown, Chief
CPSD/Site Planning Section

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Proposed Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.